

ORANGE COUNTY PUBLIC DEFENDER "NEW LEAF" APPLICATION

Personal Information				
First Name	Middle Name	Last name	Other names used	
Date of Birth	Place of birth	Social Security #	CDL#	Today's Date

Contact Information				
Street Address	Apt. #	City	Zip Code	
Phone	Alt. Phone		Email address	

May we leave a message for you at these contact numbers if you do not answer? **No** **Yes**

Case Information				
O.C. Case # or date	Additional case	Additional case	Did the Public Defender represent you on this case?	
			No <input type="checkbox"/> Yes <input type="checkbox"/>	

Have you had any other arrests or convictions from other counties? If yes, please complete below:

Date	Arrest or Conviction	County	Charges/conduct

Current Information	
Are you currently on probation?	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you currently on parole?	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you currently serving a sentence?	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you currently charged with a crime?	No <input type="checkbox"/> Yes <input type="checkbox"/>

Which of the following types of relief are you interested in?

<input type="checkbox"/> Seal and Destroy Arrest (I am factually innocent)
<input type="checkbox"/> Early Termination of Probation (I am on probation and can provide good cause for early termination)
<input type="checkbox"/> Reduce Felony to Misdemeanor (I am on probation, but when my conviction occurred, there was an agreement I could reduce my felony to a misdemeanor or (I am no longer on probation and would like my felony reduced)
<input type="checkbox"/> Dismissal Pursuant to 1203.4 of the California Penal Code (formerly known as "expungement")
<input type="checkbox"/> Certificate of Rehab & Pardon (I was on probation and my conviction was expunged) or
<input type="checkbox"/> Certificate of Rehab & Pardon (I was not on probation, I served a State Prison Sentence)

Insert name of court, judicial district or branch court, if any, and post office and street address: 	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA Defendant:	
DEFENDANT'S FINANCIAL STATEMENT AND NOTICE TO DEFENDANT <input type="checkbox"/> ELIGIBILITY FOR APPOINTMENT OF COUNSEL <input type="checkbox"/> REIMBURSEMENT FOR COST OF COURT APPOINTED COUNSEL	CASE NUMBER:

1. a. Defendant's name: d. Date of birth:
 b. Other names used: e. Telephone number:
 c. Address: f. Driver's license number:

2. I am am not married.

3. a. Spouse's name: d. Date of birth:
 b. Other names used: e. Telephone number:
 c. Address: f. Driver's license number:

4. Defendant's Present Employment:
 a. Occupation:
 b. Name of employer:
 c. Address:
 d. Gross pay per month: \$ _____ week: \$ _____ day: \$ _____
 e. Take home pay per month: \$ _____ week: \$ _____ day: \$ _____
 f. Name of union:
 g. Name of credit union:

5. If you are not now working, state the name and address of your last employer and the last day you were employed.
 a. Name:
 b. Address:
 c. Last date of employment:

6. Spouse's Present Employment:
 a. Occupation:
 b. Name of employer:
 c. Address:
 d. Gross pay per month: \$ _____ week: \$ _____ day: \$ _____
 e. Take home pay per month: \$ _____ week: \$ _____ day: \$ _____
 f. Name of union:
 g. Name of credit union:

7. If spouse is not now working, state the name and address of spouse's last employer and the last day spouse was employed.
 a. Name:
 b. Address:
 c. Last date of employment:

8. DEPENDENTS

<u>Name</u>	<u>Address</u>	<u>Relationship</u>	<u>Age</u>
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(Continued on reverse side)

OTHER MONTHLY INCOME

9. <u>Defendant</u>		<u>Spouse</u>
a. Unemployment and disability	\$ _____	a. Unemployment and disability
b. Social Security	\$ _____	b. Social Security
c. Welfare, AFDC	\$ _____	c. Welfare, AFDC
d. Veteran's benefits	\$ _____	d. Veteran's benefits
e. Worker's Compensation	\$ _____	e. Worker's Compensation
f. Child support payments	\$ _____	f. Child support payments
g. Spousal support payments	\$ _____	g. Spousal support payments
h. All other income not elsewhere listed	\$ _____	h. All other income not elsewhere listed
	Total: \$ _____	Total: \$ _____

EXPENSES

10. Monthly expenses being paid by defendant alone or by defendant and spouse

a. Rent or house payment	\$ _____	f. Clothing and laundry	\$ _____
b. Car payments	\$ _____	g. Food	\$ _____
c. Transportation payments	\$ _____	h. Support payments	\$ _____
d. Medical and dental payments	\$ _____	i. Insurance payments	\$ _____
e. Loan payments	\$ _____	j. Other payments (union, taxes, utilities)	\$ _____
		Total (a-j):	\$ _____

11. Installment Payments, other than listed in item 10.

<u>Name of Creditor</u>	<u>Monthly Payment</u>	<u>Balance Owed</u>
a.	a. \$ _____	\$ _____
b.	b. \$ _____	\$ _____
c.	c. \$ _____	\$ _____
d.	d. \$ _____	\$ _____
e.	e. \$ _____	\$ _____
	Total: \$ _____	Total: \$ _____

ASSETS

12. What do you own? (State value.)

a. Cash:	a. \$ _____	
b. House equity:	b. \$ _____	
c. Cars, other vehicles and boat equity: (List make, year and license number of each)	c. \$ _____	
d. Checking, savings and credit union accounts: (List name and account number of each)	d. \$ _____	
e. Other real estate equity:	e. \$ _____	
f. Income tax refunds due:	f. \$ _____	
g. Life Insurance Policies (Ordinary life-face value):	g. \$ _____	Length of ownership
h. Other personal property (Jewelry, furniture, furs, stocks and bonds, etc.)	h. \$ _____	
	Total: \$ _____	

13. **ELIGIBILITY FOR APPOINTMENT OF COUNSEL AND NOTICE TO DEFENDANT:** If an attorney is appointed to represent you the court will, at the conclusion of the criminal proceedings, after a hearing, make a determination of your ability to pay all or a portion of the cost of the attorney. If the court determines that you are at that time able to pay, the court will order you to pay all or part of such cost. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution.

Declaration of Defendant

I declare under penalty of perjury that the foregoing is true and correct and that I understand the notice contained in item 13, and that this declaration was executed on

(Date): at (County):, California.

(Signature of Defendant)

WORKSHEET
(CERTIFICATE OF REHABILITATION AND PARDON VERSION)

This questionnaire will be used to assist us in preparing a statement to the judge. Please answer the questions on this form as completely as possible and return it to the New Leaf Program, Orange County Public Defender.

(Complete the following only with respect to your most recent felony conviction)

On or about _____, _____, I was convicted of the felony of _____
(month) (year)
_____, State of California. My sentence for this offense was
(State crime and code section)

(check appropriate box):

commitment to state prison or other state institution at _____.

probation with a suspended sentence to state prison or other state institution.

Thereafter, on or about _____, _____, I was *(check appropriate box)*:
(month) (year)

discharged from state prison or other state institution after completing my sentence;

released on parole, from which I was finally discharged on _____, _____;
(month) (year)

released from custody on probation or after serving a jail sentence as part of my probation,
successfully completed my probation on _____, _____, and obtained relief under
(month) (year)

Penal Code Section 1203.4 on _____, _____.
(month) (year)

We will also need you to provide us with the following:

- 3 to 5 character reference letters of addressed to *The Honorable Judge of the Court* from friends, family, employers, clergy, etc.
- Any school transcripts or diplomas (if you have attended school since your conviction)
- Any certificates of completion for rehabilitation or vocational programs (if you have attended any since your conviction)
- Community service documentation (if you were ever required to perform such service)
- Any other documentation you feel may help your case.

12. Have you done any volunteer work for any organizations? If yes, please describe for whom and the dates of your activities. Please obtain a copy of any awards or certificates.

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CERTIFICATE OF REHABILITATION

WHAT IS IT?

A Certificate of Rehabilitation is a court order which declares that a person who has been convicted of a felony is rehabilitated. If a petition for Certificate of Rehabilitation is granted by the Court, the Court automatically forwards the finding to the Governor which constitutes an application for a Pardon. The granting of a Certificate of Rehabilitation or a Pardon restores to the applicant some – **but certainly not all** – of the rights of citizenship which were forfeited as a result of a felony conviction. It does **not** seal or erase the record of conviction and it does **not** prevent the offense from being considered as a prior conviction if the person is later accused of a new crime.

Certificate seekers should familiarize themselves with the chart and information herein explaining what the granting of the application does and does not do. Additionally, you may want to consult with an attorney regarding the specifics of your case. You may also want to contact the probation or parole office for their assistance in obtaining information regarding prior convictions which you will need when making application for a Certificate of Rehabilitation.

WHAT ARE THE EFFECTS?

IT DOES:

- ✓ Relieve certain specified sex offenders of further duty to register. (See Penal Code § 290).
- ✓ Enhance an ex-felon's potential for becoming licensed by state boards. (See Penal Code § 4853).
- ✓ Serve as an official document to demonstrate an ex-felon's rehabilitation, which could enhance employment possibilities.
- ✓ Serve as an automatic application for a pardon.

IT DOES NOT:

- ✓ Erase the felony conviction or seal the criminal record. (See Penal Code § 4852.17).
- ✓ Prevent the offense from being considered as a prior conviction if the person is later convicted of a new offense.
- ✓ Allow an ex-felon to answer on a employment applications that he/she has no record of conviction.
- ✓ Give an ex-felon the right to vote – this is automatically restored after termination from probation or discharge from parole.

ARE YOU ELIGIBLE?

The laws pertaining to the Certificate of Rehabilitation can be found in California Penal Code § 4852.01 through 4852.21.

Generally, a person who has been convicted in California of a felony, or a misdemeanor sex offense specified in California Penal Code § 290, the accusatory pleading of which has been dismissed pursuant to Penal Code § 1203.4, may apply to the superior court in his or her county or residence for a Certificate of Rehabilitation, provided that he or she meets behavioral requirements and the applicable period of rehabilitation.

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600 W. Santa Ana Blvd.
Santa Ana, CA 92701
(714) 568-4860

NORTH OFFICE
1440 Harbor Blvd.
Fullerton, CA 92835
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(714) 896-7281

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Effective January 1, 1998, individuals convicted of the following Penal Code § are no longer eligible to receive a Certificate of Rehabilitation: Penal Code § 286(c), 288, 288a(c), 288.5 and 289(j).

Persons who are eligible to apply for a Certificate of Rehabilitation include those who were granted probation after conviction as well as those sentenced to state prison.

PROBATION SENTENCES – If you were granted probation; i.e. did not receive a state prison sentence from your conviction you are eligible to apply if you:

- ✓ Were convicted of a felony (or a misdemeanor sex offense specified in Penal Code § 290); and
- ✓ Had your case dismissed pursuant to Penal Code § 1203.4; and
- ✓ Have not been incarcerated since the granting of the dismissal under Penal Code § 1203.4; and
- ✓ Are not on probation for the commission of any other felony; and
- ✓ Present satisfactory evidence of at least five years residence in California prior to filing the petition (three years if your conviction occurred prior to May 13, 1943).

STATE PRISON SENTENCES – If you received a State Prison sentence you are eligible to apply if:

- ✓ You were discharged from custody or released on parole; and
- ✓ Present satisfactory evidence of five years residence in California immediately prior to the filing of the petition (three years if your conviction occurred prior to May 13, 1943).

Persons who are INELIGIBLE to apply for a Certificate of Rehabilitation include:

- Those who do not meet the above requirements; or
- Those who were convicted only of misdemeanors (except those convicted of a misdemeanor sex offense specified in Penal Code § 290, which was dismissed pursuant to Penal Code § 1203.4); or
- Those who were convicted of Penal Code § 286(c), 288, 288a(c), 288.5, 289(j); or
- Those who are serving a mandatory life parole, or
- Those persons in the military service.

WHEN TO APPLY

Persons eligible to petition for a Certificate of Rehabilitation may file the petition once the period of rehabilitation has passed. The period of rehabilitation begins to run upon the discharge of the petitioner from incarceration due to the completion of the term, or upon release on probation or parole. For most offenses the period of rehabilitation constitutes **seven years** of residence in California. Certain offenses carry a longer period of residency before a petition can be filed:

- ✓ Nine years in the cases of persons convicted of violating California Penal Code § 187, 209, 219, 4500, 12310, or Military and Veterans Code § 1672(a), or of committing any other offense which carries a life sentence; or
- ✓ Ten years in the case of any person convicted of any offense or attempted offense for which sex offender registration is required pursuant to Penal Code § 290, except for convictions for violations of subdivision (b), (c), or (d) of § 311.2, or of § 311.3, 311.10 or 314. For those convictions, two years shall be added to the five years imposed by this section.

HOW TO APPLY

Complete the attached questionnaire and return it to address above.

Attention: New Leaf Program Paralegal

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PARDON

WHAT IS IT?

A Governor's pardon is a form of relief granted only to individuals who have demonstrated "the highest standard of constructive behavior" following conviction for a felony, or in some cases for certain specified misdemeanor sex offenses. **Be aware that pardons are infrequently granted by the Governor.**

While the receipt of a Certificate of Rehabilitation will be considered in evaluating a pardon application, it is but one factor and is not the sole determinant. The ten-year rule may be waived in truly exceptional circumstances, if the applicant can demonstrate an earlier, specific need for the pardon.

Any person who has been convicted in California of a felony, or a misdemeanor sex offense specified in Penal Code § 290, the accusatory pleading of which has been dismissed pursuant to Penal Code section 1203.4, may apply to the Governor for a pardon. Applications for pardons may be made either by way of an application for a Certificate of Rehabilitation, or through a direct traditional pardon application. The procedure utilized will depend on the circumstances of the applicant, as explained later.

Once an application for a pardon is filed under either procedure, the Governor reviews the case. The Governor has complete discretion in deciding whether to grant a pardon, and a pardon is not granted to every person who applies. Pardon investigations are conducted for the Governor by the California Board of Prison Terms, Investigations Division.

There are no county or state fees for applying for a pardon in California.

WHAT ARE THE EFFECTS OF A PARDON?

IT DOES:

- ✓ Allow an ex-felon to serve on a trial jury. (see Code of Civil Procedure § 203(a)(5)).
- ✓ Allow restoration of firearm right, with federal approval, to specified offenders **if** granted a full and unconditional pardon, **unless** the conviction was for a felony involving the use of a dangerous weapon. (See Penal Code § 4854).
- ✓ Allow an ex-felon to be considered for appointment as a county probation officer or state parole agent, but not to any other peace officer positions. (See Government Code § 1029).
- ✓ Allow specified sex offenders still required to register after obtaining a Certificate of Rehabilitation to be relieved of duty to register if granted a **full** pardon. (See Penal code § 290.5, as amended 7/8/96).

IT DOES NOT:

- ✓ Seal or erase the record of conviction. (See Penal Code § 4852.17).
- ✓ Prevent the pardoned offense from being considered as a prior conviction if the person is later convicted of a new offense.
- ✓ Allow a pardoned person to answer on employment applications that he/she has no record of conviction.

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- ✓ Restore the ability to own a firearm to ex-felons convicted of any offense involving the use of a dangerous weapon. (See Penal Code § 4854).
- ✓ Pardon convictions from another state, or federal convictions.

NOTE: If you have not obtained a pardon restoring your firearms rights, and you have access to a firearm of any type, you are in violation of the law. For example, having a firearm registered to a spouse, but readily available to you in your place of residence, is a violation.

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TRADITIONAL PARDON

The traditional pardon procedure is available to those persons who are ineligible to petition for a Certificate of Rehabilitation. This procedure is used primarily by the California ex-felons who reside out-of-state and those individuals who have convictions for Penal Code § 288(c), 288, 288a(c), 288.5 and 289(j). The traditional pardon procedure is covered by California Penal Code § 4800-4813.

Applicants for a traditional pardon must write directly to the Governor's Office at the following address:

**Governor's Office
State Capital
Attention: legal Affairs Secretary
Sacramento, CA 95814**

The letter should include:

- ✓ Why a pardon is desired or needed;
- ✓ Date and circumstances of all felony offenses of which the applicant was convicted;
- ✓ Dates the applicant was received in prison and released from custody or placed on probation;
- ✓ Name of the applicant, including any aliases; dates of conviction; county and case number of conviction, if known; prison number; name of parole agent; current address and telephone number; and
- ✓ A brief, general statement of employment and activities since the date of conviction or release from custody.

The Governor's Legal Affairs staff will review the information and **may** send the Application of Executive Clemency and Notice of Intention to Apply for Executive Clemency forms to the applicant.

The applicant should complete the Application for Executive Clemency form and have it notarized. In addition, the Notice of Intention to Apply for Executive Clemency should be served on the District Attorney of each county in which the applicant was convicted of a felony, at least ten days prior to the application.

The Acknowledgement of Receipt portion of the notice form must be completed and signed by the District Attorney. Both the application and the completed notice must then be submitted to the Governor's Office.

Upon receipt of the formal application, the Governor refers it to the Board of Prison Terms for investigation. The case is then presented to the Executive Board for a decision as to whether to recommend to the Governor that a pardon be granted. The applicant is notified of this hearing and he or she is given the opportunity to forward any additional information. Pardon applicants do not attend the pardon consideration hearing. Following the hearing, all materials are sent to the Governor for a final decision. Notification of the meeting result is also sent to the applicant. If the applicant has been convicted for more than one felony in separate proceedings, the California Supreme Court must also approve the grant of pardon.

There is no requirement that the Governor issue a pardon to an applicant, and the length of time needed for the completion of the pardon process cannot be predicted.

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